



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MARCH 13, 2014**

CALL TO ORDER: Chairperson Pentaleri called the meeting to order at 7:05 p.m.

PRESENT: Chairperson Pentaleri, Commissioners Bonaccorsi, Dorsey, Jones, Karipineni, Leung, Reed

ABSENT: None

STAFF PRESENT: Kristie Wheeler, Planning Manager
Wayne Morris, Principal Planner
Prasanna Rasiah, Deputy City Attorney
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: None

DISCLOSURES: **Commissioner Bonaccorsi** and **Chairperson Pentaleri** visited the site of Item 2.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBER 1.

IT WAS MOVED (REED/LEUNG) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER 1.

- Item 1. **A&E CONCRETE DESIGN - 4480 Enterprise Street - (PLN2013-00255)** – To consider a Conditional Use Permit to allow a concrete design company to located in the South Fremont Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).

NOTES/CORRECTIONS

Staff requests that the following corrections be included in the Staff Report and Conditions of Approval:

Staff Report: Exhibit "B," Page 1

FINDINGS: The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Planning Commission dated ~~October 24, 2013~~ March 13, 2014, incorporated hereby.

FOUND THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES 15301 (EXISTING FACILITIES);

AND

FOUND THAT THE CONDITIONAL USE PERMIT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVED CONDITIONAL USE PERMIT PLN2013-00255 AS SHOWN IN EXHIBIT "A," BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B."

The motion carried by the following vote:

AYES:	7 – Bonaccorsi, Dorsey, Jones, Karipineni, Leung, Pentaleri, Reed
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

PUBLIC/ORAL COMMUNICATIONS

None

PUBLIC HEARING ITEMS

- Item 2. **BEST FRIENDS LEARNING CENTER - 42080 Osgood Road Road - (PLN2013-00163)** - To consider a Conditional Use Permit to allow an 11,730-square foot day care and tutoring facility to occupy a portion of an existing commercial building located in the Irvington Community Plan Area, and to consider a categorical exemption from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

NOTES/CORRECTIONS

Staff requests that the following corrections be included in the Staff Report and Conditions of Approval:

Staff Report: No changes.

Conditions of Approval: The following condition is added to Exhibit “B” as Condition #26:

“The City encourages the applicant to work with the owner of the Mission Dance School and City staff to coordinate schedules for afternoon/evening pick-up in an effort to reduce the potential for cars to back up out of the parking lot onto Osgood Road Road.”

Commissioner Bonaccorsi had questions regarding the 400-foot requirement from the subject site for parking purposes, as follows:

- Was 400 feet required by the Fremont Municipal Code?
Principal Planner Morris replied that it was.
- Was additional parking more than 400 feet away available, but could not be counted towards the parking requirement, as stated on page 4 of the report? He read, “It has access to another 30 spaces on the adjacent property to the south owned by the Alameda County Flood Control. However, the lease control with the District provided by the subject is expired.” He understood that additional parking was available further away, which was being used for staff parking.
William Alexander, project architect, stated that parking had been approved by the City and it was within 300 feet of the project site. Negotiations had been made for 15 additional parking spaces for staff parking.
- Was that within 400 feet?
No, it was within 300 feet, as measured by the applicant.
- Was there other parking that was further than 400 feet?
No.
Chairperson Pentaleri had also noted that comment about 400 feet from the project site in the Staff Report.
Principal Planner Morris directed the Commissioners’ attention to page 35 where Condition No. 25 stated that if the parking went away, the student population had to drop.
- Would the applicant be able to meet the parking requirement if the 400 feet was across the street?
Principal Planner Morris stated that they would, as the measurement was from the property line. However, additional parking was preferred to be located either beside the property or across the street rather than behind a building across the street.
- Currently, it was. Could it be conditioned to be on the same side of the street, because Osgood Road was a very busy street and unsafe for children to cross?
The code referred to 400 feet without requiring it to be at any particular location.

Planning Manager Wheeler suggested that a condition could limit parking across the street to employees, only.

- That was fine and may be a condition that he would propose.
- Condition No. 8, page 34, should be matched up with Condition No. 25, which already addressed the situation if the offsite parking was lost from the Alameda County Flood District. He had never seen a lease that lasted indefinitely, so he recommended that the word, indefinitely, be removed. Condition No. 22 would reduce the number of students and Condition No. 25 already covered it.

Commissioner Dorsey asked:

- Would the drop-off area be in the form of a loop or would it be similar to what existed now with the loading and unloading curb?
Mr. Alexander, stated that Eric Wang, applicant, currently was responsible for drop-off and pick-up. That area was, basically, a drop-off loop. People actually escorted the children out who wore bracelets that made them “pre-tabbed.” The parents cell-phoned in when they were approaching the Center and people with their children met the parents as they drove in.
- Would there be any backup onto Osgood Road?
The school had their own vans and they picked up the children at school and transported them to their various after-school activities, be it sports, karate, etc. They were either picked by the van and brought back to the Center or the parents picked them up after the activity, which reduced the amount of trips made.

Commissioner Leung asked the following:

- How were the two driveways separately distinctive between Best Friends Tutorial Center and Mission Dance shared?
Eric Wang, owner’s son, stated that his job was to direct the parents as they drove up outside. Mission Dance parents stayed left which took them to the front of the Mission Dance building where they parked. The Center’s parents made a right turn where he directed them to the correct parking lot. After the parent was parked, a teacher would bring their child out to the vehicle without the parent even having to leave the vehicle.
- Were those driveways two-way or one-way?
The driveway at the very right of the building allowed a right turn and a left turn. The other driveway allowed only a right turn, so the vehicle must go down Osgood Road to a signal, which allowed them to make a U-turn.
- She suggested that the driveway entrance nearest the Center should be signed that better showed a right turn was necessary to access the driveway into the Center.
He agreed to make the sign larger and more noticeable.

Chairperson Pentaleri was very impressed with the parking plan, which had demonstrated a lot of thought had been put into the logistics of getting the students into and out of the facility. However, he had occasionally experienced backed-up traffic on Osgood Road, because of parents dropping off or picking up their children

at the Mission Dance Studio. Although he acknowledged the Gold Sheet additional Condition, this was an existing condition that had already impacted Osgood Road, so it did not matter how good the Center's plan was if it did not improved the current situation.

Principal Planner Morris promised to look into it. The dance studio had been approved by the Zoning Administrator in 1991, so it could be reviewed and the matter resolved.

Chairperson Pentaleri asked if the Commission should take any kind of follow-up action.

Principal Planner Morris stated that staff could take care of it.

Commissioner Bonaccorsi noted that each business had their own reserved parking and he suggested that they become shared parking. The overlap between the two parking lots between 4:00 and 6:30 p.m. was more significant than had been reflected in the Staff Report. For the record, "While the Applicant has obtained access to additional offsite parking down the street at 42560 Osgood Road where a recreational storage lot is located, which is intended for staff vehicles, this site cannot be counted towards the parking spaces provided, since it is more than 400 feet from the subject site." Is it only 300 feet away?

Mr. Wang stated that he had counted the distance from the very right side of the Center's exit to the entry of the Alice RV parking lot.

Principal Planner Morris stated that the onsite parking satisfied the zoning ordinance requirements. This extra parking was in excess of what was required by code. Looking at page 22, the Planner had clearly indicated that while Center staff was going to this offsite location, it was not being counted because it was more than 400 feet away.

Commissioner Bonaccorsi argued that if Alameda County Flood Control decided to "yank its lease," rather than reducing enrollment, this could be a contingency that built in some kind of buffer than would reduce the need for other offsite parking.

Principal Planner Morris said that the Applicant could also come back to the City with a request to amend the Conditional Use Permit.

Mr. Wang stated that he would check the measurements from his site to the Alice RV site to make sure that it was less than 400 feet. However, he had used a walking measurement device, so he believed that another measurement would not be very different. He had measured approximately 350 feet.

Chairperson Pentaleri closed the Public Hearing.

Commissioner Bonaccorsi suggested two minor changes to the motion:

- Regarding Condition No. 8, page 34, “indefinitely” should be eliminated.
- Regarding Condition 25, the end of the sentence should read, “The extent that the 400 feet includes parking across the street, that such parking would be limited to staff members for the facility.”

Vice Chairperson Jones asked if the 400 foot issue was currently in the ordinance and did the Commission have the authority to change it.

Deputy City Attorney Rasiah stated that it was currently in the Municipal Code, so it could not be changed without a zoning text amendment.

IT WAS MOVED (BONACCORSI/REED) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0-0) THE PLANNING COMMISSION – FOUND THAT THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15301, EXISTING FACILITIES;

AND

FOUND THAT CUP PLN2013-00163 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN, INCLUDING THE GOALS AND POLICIES SET FORTH IN THE LAND USE CHAPTER OF THE GENERAL PLAN, AS ENUMERATED WITHIN THE STAFF REPORT;

AND

APPROVED CUP PLN2013-00163 AS SHOWN IN EXHIBIT “A” BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS CONTAINED IN EXHIBIT “B.”

The motion carried by the following vote:

AYES:	7 – Bonaccorsi, Dorsey, Jones, Karipineni, Leung, Pentaleri, Reed
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Principal Planner Morris announced that an email would be sent out to the Commissioners soon regarding another study session by Downtown Project Manager Jessica von Borck tentatively scheduled for March 27th.

Vice Chairperson Jones reminded staff that the many of the Commissioners would be at the Planners Conference in San Francisco, although they planned to make it back to Fremont in time for that day's Planning Commission meeting. And they had another day in San Francisco on the 28th.

Commissioner Leung believed that a 5:30 p.m. study session would be difficult to attend.

Principal Planner Morris suggested holding the study session after the Planning Commission meeting. It was just an update and not expected to take very long.

Commissioner Bonaccorsi asked if the Warm Springs Community Plan was to be reviewed on the 27th. Would that be a busy agenda?

Planning Manager Wheeler promised an update tomorrow.

- Report on actions of City Council Regular Meeting
- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 7:40 p.m.

SUBMITTED BY:



Alice Malotte
Recording Clerk

APPROVED BY:



Wayne Morris, Secretary
Planning Commission